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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,398	07/05/2006	Philippe Courty		2739

7590
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EXAMINER

HAYES, BRET C

ART UNIT	PAPER NUMBER
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3641

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10/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,398	Applicant(s) COURTY, PHILIPPE	
	Examiner BRET HAYES	Art Unit 3641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-40, 42 and 43 is/are rejected.
- 7) ☒ Claim(s) 41 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

A listing of registered patent attorneys and agents is available on the USPTO Internet web site <http://www.uspto.gov> in the Site Index under "Attorney and Agent Roster." Applicants may also obtain a list of registered patent attorneys and agents located in their area by writing to the Mail Stop OED, Director of the U. S. Patent and Trademark Office, PO Box 1450, Alexandria, VA 22313-1450

Claim Objections

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 26 – 32 and 35 have been renumbered 36 – 43.

3. The claims are further objected to because claims 33 and 34 have not been addressed. Are these claims pending or have they been canceled? Examiner presumes that the claims have been canceled, since they do not appear at all.

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4. Claim 41 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to the other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim 41 has not been further treated on the merits.

5. Lastly, the format of the claims should be double-spaced. Between the apparently small font size of the type and the lack of double spacing between lines, the claims are difficult to read. Examiner suggests a font size of at least 12 and double spacing throughout the entirety of the claims for ease of readability.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 36 – 40, 42 and 43 are rejected as failing to define the invention in the manner required by 35 U.S.C. 112, second paragraph.

The claim(s) are narrative in form and replete with indefinite and functional or operational language. The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

8. While the amendment filed 28 JUL 08 appears to show improvement over previously submitted claims, the claims remain unclear for at least the following reasons:

a. Claim 36, line 7, “a ball joint related to the breech piston,” which renders the entirety of the claim unclear because: it is not clear what is meant by the term ‘related’ (connected, abutting, adjacent, etc.); and, the initial recitations at lines 2 and 3 recite, “a

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breech piston and barrel chamber sealing device,” which is understood to be one element, hence, the use of “a” before both. Note that some brevity is allowable, but in the event that “a breech piston and barrel chamber sealing device,” is actually a single device, refer to the element at least a last-most, descriptive portion, such as, “a ball joint adjacent the sealing device.” Should this be two separate elements, insert “a” before “barrel chamber sealing device” for clarity. Also at line 7, and throughout the claims, the term/phrase ‘patellar/with the barrel chamber’ is unclear. A ‘patella’ is a kneecap or similar structure normally found in anatomy and biology. It is not clear what is intended by the use of this phrase. At line 9, the recitation of “its” and any other like recitations, should be replaced with the element being referenced. Further at line 9, “a generating line” is unclear. Line 13, beginning with “the external face...” should be indented similarly to that of the above line 9 beginning “the thickness of...”

b. Claim 37, the claims depends on claim 1. Lines 1 and 2, “the ball joint” is referenced as “(41 eleven)” here, where it is originally referred to as “(41 sept.)”. If it is distinct part, it requires a separate and distinct name. If it is a portion of the same part, it should be referenced as such. Lines 2 and 3 recite “the main piston shaft” and “the chamber” which lack antecedent basis in the claims. Whenever referencing an element for the first time, recite “a”, or “an” as appropriate, before it – as in, “a chamber”. Thereafter, any claim depending on a claim with an initial recitation of that same element may be referenced as either “the” or “said” element – as in, “the chamber”.

c. Claim 38, the claim depends on canceled claim 1. At lines 1 and 2, “the ball joints” is recited where only a singular ball joint has been previously recited. Line 3, “in

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front of radial lights or crenels” is unclear because there is apparently no disclosure of any lights being included in the structure and a crenel is any open space between merlons of a battlement – the open spaces at the top of a “rook” or “castle” in chess, for example. Examiner suggests ‘openings’ instead. Line 5, the passage “generate a uniform bore increase” is unclear. Line 6, “the piston root” and line 7 “the cylinder head” lack antecedent basis in the claims.

d. Claim 39, the claim depends on canceled claim 1. Lines 1 and 2 “the barrel and breech” should be --the breech and barrel--, for consistency.

e. Claim 40, the claim depends on canceled claim 1. Line 3, “the trigger guard bolt” and “said trigger guard” lack antecedent basis in the claims.

f. Claim 42, the claim depends on canceled claim 1. Line 2, “device sequencing the clip compartments” should be --clip compartments sequencing device--, for clarity. Use of “its” and “it” are to be avoided. Line 3, “the magazine well” lacks antecedent basis in the claims. Line 6, “said swivel” should be --said swiveling--, for clarity, and, “the front conveyor button” lacks antecedent basis in the claims. Line 9, the passage “to involve its lateral swing” is unclear. Line 10, “either perpendicular” is understood to be “or perpendicular”.

g. Claim 43, the claim depends on canceled claim 1. Lines 1 and 2, “the stopper hook” lacks antecedent basis in the claim.

9. There may well be other issues with the claims that do not readily appear in this iteration but may become noticeable in the future.

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10. Again, no art rejections are being made at this time as the metes and bounds of the claims cannot be accurately determined.

Conclusion

11. The examiner is compelled to offer Applicant another opportunity to improve the claims by way of this non-final office action due to the Applicant's willingness and diligent attempts to conform to office standards.

Any inquiry concerning this communication should be directed to Bret Hayes at telephone number (571) 272 – 6902 or email address bret.hayes@uspto.gov, which is preferred. The examiner can normally be reached Monday through Friday from 5:30 am to 2:00 pm, Eastern Standard Time.

The Central FAX Number is **571-273-8300**.

If attempts to contact the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached at (571) 272 – 6873.

/Bret Hayes/

Primary Examiner, Art Unit 3641

31-Oct-08